

## **REMARKS**

Reconsideration and allowance of the present application in view of the following remarks are respectfully requested.

In the Final Office Action, claims 1-3, 5-6, and 8-16 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,514,602 to Zhao et al., in view of U.S. Patent No. 6,663,611 to Blaney et al., in view of U.S. Patent No. 6,232,521 to Bewick-Sonntag et al., and further in view U.S. Patent No. 5,613,964 to Grenier.

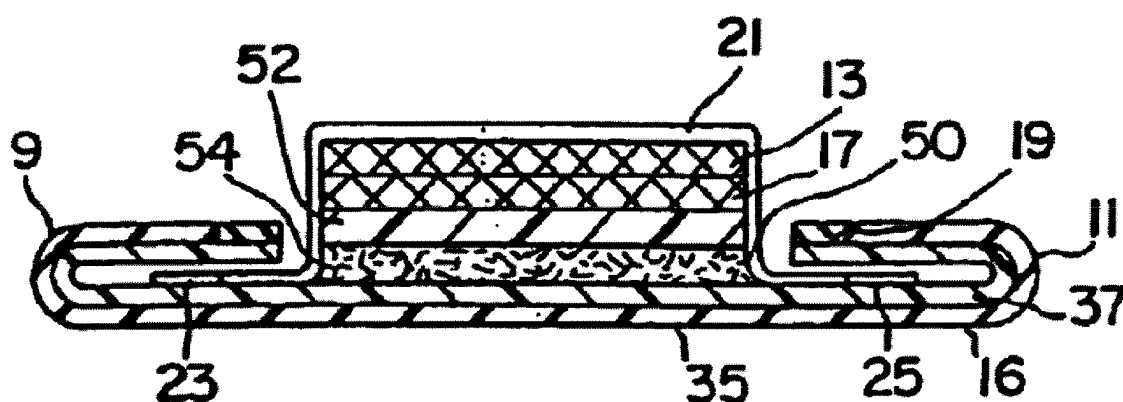
However, it is respectfully submitted that the cited references, either alone or in any proper combination, fail to teach or suggest all of the limitations of the presently pending claims.

The Final Office Action acknowledged that Zhao et al. fails to disclose a back sheet having a water vapor transmission rate that is at least about 20% of the water vapor transmission rate of the cover sheet. Page 3, Final Office Action. Blaney et al. was cited to remedy this deficiency. It was stated that Blaney et al. "teaches the ability of cover sheets and outer sheets to have different relative levels of breathability for wearer comfort, i.e. different vapor transmission rates, thus disclosing a desire for such." Page 4, Final Office Action. The Final Office Action further stated that Blaney et al. describes an absorbent article having an outer cover 16 (so-called cover sheet) that has a water vapor transmission rate that is at least about 20% of the water vapor transmission rate of the back sheet (described as inner laminate 50 in the portion of Blaney et al. cited in the Final Office Action). However, the inner laminate 50 of Blaney et al. is positioned *between* the liquid impermeable outer cover 16 and absorbent layer

17. Blaney et al. does not describe the breathability of the liquid permeable top layer

21. Such a configuration fails to render obvious the presently pending claims.

The presently pending claims require, in part, a generally liquid permeable cover sheet, a generally liquid impermeable back sheet, and an absorbent material *disposed between the cover sheet and the back sheet* with the back sheet having a water vapor transmission rate that is at least about 20% of the water vapor transmission rate of the cover sheet. Blaney et al. describes a liquid permeable top layer 21 and a liquid impermeable outer cover 16 which sandwich the absorbent core 17 that is positioned therebetween. In this regard, FIG. 2 of Blaney et al. is instructive.



**FIG. 2**

As can be seen above, the inner laminate 50 (so-called back sheet in the Final Office Action) is positioned between the outer cover 16 and the absorbent layer 17. Col. 8, lines 2-4. While the Final Office Action cites Blaney et al. as describing that outer cover 16 is at least 20% more breathable than the so-called back sheet, in actuality Blaney et al. indicates that the outer cover 16 is at least 20% more breathable than inner laminate 50. However, as described above, the presently pending claims

require a back sheet that has a water vapor transmission rate that is at least about 20% of a water vapor transmission rate of a cover sheet, with the absorbent material disposed *between the liquid impermeable back sheet and liquid permeable cover sheet*. In this regard, Blaney et al. provides no description regarding the water vapor transmission rate of outer cover 16 when compared to liquid permeable top layer 21, which together sandwich absorbent core 17.

The Office Action asserts that "Blaney teaches the principle of choosing a WVTR between the back sheet and the cover sheet, therefore it would have been obvious...to select materials having different WVTR ratios for the intended purposes since it has been held that mere reversal of the essential working parts of a device involves only routine skill in the art." Pages 9-10, Final Office Action. However, as discussed above, the inner laminate 50 is by no means synonymous with liquid permeable top cover 21 so more than a mere reversal of parts would be required to arrive at the presently pending claims. Indeed, Blaney et al. fails to describe the water vapor transmission rate of the liquid impermeable outer cover 16 in view of the liquid permeable top layer 21.

Applicants note that in order to establish prima facie obviousness, all of the claimed limitations must be taught or suggested in the prior art. See, e.g., MPEP § 2143.03. Here, Zhao et al., when combined with Blaney et al., simply does not teach or suggest all of the limitations of the presently pending claims. As Bewick-Sonntag et al. and Grenier to not remedy the deficiencies of Zhao et al. and Blaney et al., it is respectfully submitted that the presently pending claims patentably define over the cited references.

Similarly, the Office Action acknowledges that Zhao et al. does not describe a cover sheet and back sheet having a contact angle mismatch of less than about 25%, as required by the presently pending claims. Page 4, Final Office Action. Nonetheless, it was stated that “it would have been obvious...to form the cover and back sheets of Zhao having the claimed contact angle mismatch as taught by Bewick-Sonntag.” Pages 4-5, Final Office Action. However, Bewick-Sonntag et al. plainly states that the wearer facing surface has a fluid contact angle greater than the fluid contact angle of the garment facing surface or vice versa. Col. 6, line 61 – Col. 7, line 5. In this regard, it is stated that *increased* contact angle gradients are useful in preventing fluid transport. Col. 7, lines 22-27. By contrast, the presently pending claims require a contact angle mismatch between the cover sheet and back sheet of *less than about 25%*. Not only is Bewick-Sonntag et al. absent of any discussion regarding such a limitation, but the description suggests that Bewick-Sonntag et al. actually teaches away from such a feature. As such, it is respectfully submitted that the presently pending claims patentably define over the cited references.

Thus, for at least the reasons set forth above, Applicants respectfully submit that the independent claims patentably define over the above-cited references, taken singularly or in any proper combination. The dependent claims were also rejected over a variety of references. Applicants respectfully submit that at least for the reasons indicated above relating to the independent claims, the dependent claims also patentably define over the cited references. The patentability of the dependent claims, however, certainly does not hinge on the patentability of the independent claims.

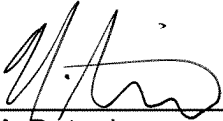
Similarly, some or all of the dependent claims are believed to possess features that are independently patentable, regardless of the patentability of the independent claims.

For at least the reasons discussed above, Applicant respectfully submits that the present application is in complete condition for allowance, and favorable action, therefore, is respectfully requested. Should any issues remain after consideration of this amendment, then Examiner Chapman is invited and encouraged to telephone the undersigned at her convenience.

Respectfully submitted,

DORITY & MANNING, P.A.

July 23, 2008  
Date

  
\_\_\_\_\_  
Neil M. Batavia  
Registration No.: 54,599

P.O. Box 1449  
Greenville, SC 29602-1449  
Telephone: (864) 271-1592  
Facsimile: (864) 233-7342